

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMERICAN MUNICIPAL POWER, INC.
Employer

and

Case 10-RC-213684

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO,
LOCAL UNION NO. 816
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., May 31, 2018.

¹ In denying review, we note that, contrary to the Employer's argument, it may be able to resolve the unit placement of future temporary assignees, under the appropriate circumstances, through the unit-clarification process. See *Union Electric Co.*, 217 NLRB 666, 667 (1975)(unit clarification petition can be used to resolve ambiguities regarding the unit placement of either newly-established classifications or those that have undergone "recent, substantial" changes). We do not, however, rely on the Regional Director's citation of *ITT World Communications*, 201 NLRB 1, 2 (1973) for the proposition that the Board has dismissed unit clarification petitions when the petitioned for classification had no actual employees within the classification. We also note that, contrary to the Regional Director's suggestion, the Board will in fact exclude as temporary an otherwise-permanent employee who is only temporarily assigned to the facility at which an election is being conducted. See *Marian Medical Center*, 339 NLRB 127, 128-129 (2003). Finally, we find it unnecessary to modify the Regional Director's unit description to exclude "all other employees," because although the parties agreed to such an exclusion at the hearing, it remained the Regional Director's decision whether to include such language, and the absence of this phrase does not render the unit inappropriate and did not affect the eligibility of any employees.